

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
May 24, 2011

In the Matter of L. ENGLAND, Minor.

No. 302041  
Hillsdale Circuit Court  
Family Division  
LC No. 09-000630-NA

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Before: HOEKSTRA, P.J., and MURRAY and M. J. KELLY, JJ.

MEMORANDUM.

Respondent S. England appeals as of right a circuit court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (h), (i), (j), and (l). Because we conclude that there were no errors warranting relief, we affirm.

Respondent's sole claim on appeal is that the trial court erred in finding that termination of his parental rights was in the child's best interests, given that both respondent and the child's mother advocated establishing a guardianship in lieu of termination. The trial court's decision regarding the child's best interests is reviewed for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K).

"If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, *In re BZ*, 264 Mich App 286, 301; 690 NW2d 505 (2004), and the child's "need for permanency, stability, and finality." *In re Gillespie*, 197 Mich App 440, 446-447; 496 NW2d 309 (1992). If it is within the best interests of the child to do so, the court may continue temporary wardship of a child who is being cared for by relatives, continue the child in foster care on a long-term basis, or establish a guardianship for the child. MCL 712A.19a(6)(a) and (7)(b) and (c); *In re McIntyre*, 192 Mich App 47, 53; 480 NW2d 293 (1991). But if it is within the child's best interests, the court may terminate parental rights instead. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999).

Here, the trial court noted that respondent and his wife were both in favor of a guardianship, but that neither one had done anything to pursue a legal guardianship. The evidence showed that the child had been in alternative placement with respondent's mother most of her life. Although respondent had lost custody of the child and had previously lost his parental rights to the child's sibling, respondent did nothing to evince an interest in planning for

the child. He would not participate in services for reunification when available to do so and would not even visit the child. At the time of the termination hearing, he had not seen the child for approximately a year. While respondent advocated a guardianship with his mother in lieu of termination, he admitted that his mother was having “extreme financial difficulties” and had recently lost her house and her car. Because respondent had never been employed during the pendency of the proceedings and was incarcerated, he could not contribute to the child’s financial support and did not know how his mother would be able to support the child. Moreover, there was no evidence that respondent’s mother was willing to agree to a guardianship, and respondent did not identify any other person who was willing and able to accept a guardianship appointment. Under the circumstances, the trial court did not clearly err in finding that termination of respondent’s parental rights was in the child’s best interests.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Christopher M. Murray

/s/ Michael J. Kelly